REMARKS/ARGUMENTS

After the foregoing Amendment, claims 1, 2, 5-14, 16, 17, 19, 21, 22, 25-36, 39 and 42 are currently pending in this application. Claims 1, 2, 5, 6, 8, 9, 11, 12, 21, 25, 26, 28, 29, 31, 32, and 42 are amended. Claims 7, 10, 13, 14, 27, 30, 33, and 34 are canceled without prejudice. New claims 62-65 are added.

Claim Rejections - 35 USC § 102

Claims 1, 2, 14, 21, 22, 34 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,408,189 to Nakamura et al. (hereinafter "Nakamura").

Regarding claim 1, Nakamura fails to disclose *receiving a measurement of amplitude variance of the wireless signal* and *determining a rapid change in the wireless signal by comparing the measurement to a predetermined threshold* and *selecting a parameter adjustment from a plurality of parameters related to the received wireless signal, based on the determined rapid change* and *performing the parameter adjustment* as claimed. Therefore, Nakamura fails to disclose all of the elements of claim 1.

Nakamura discloses a "communication control mechanism adaptively selects a transmission mode when the condition detected by the detecting mechanism indicates that transmission or reception cannot be obtained in within a predetermined time period" (col. 3, lns 1-5). Nakamura describes "under a condition

of flat fading ... employment of the variance of the estimation errors e(i) in phase compensation" (col. 5, lns 64-67 and col. 6, lns 1-8 (emphasis added)). Nakamura is silent with respect to a measurement of amplitude variance. Furthermore, Nakamura is silent with respect to determining a rapid change based on comparison of amplitude variance to a predetermined threshold. Finally, Nakamura is silent with respect to a parameter adjustment based on the determined rapid change based on comparison of amplitude variance to a predetermined threshold.

Accordingly, the Applicant submits that claim 1 as amended is allowable over the cited reference for at least these reasons. Claims 21 and 42 as amended include substantially similar elements as claim 1. Accordingly, the Applicant submits that claims 21 and 42 are allowable over the cited references for at least the same reasons provided above.

Claims 2 is directly dependent upon claim 1, and therefore the Applicant believes this claim is allowable over the cited reference for at least the same reasons above. Claim 14 has been canceled so the 35 U.S.C. § 102(e) rejection is now moot.

Claim 22 is directly dependent upon claim 21, and therefore the Applicant believes this claim is allowable over the cited reference for at least the same reasons above. Claim 34 has been canceled so the 35 U.S.C. § 102(e) rejection is now moot.

Based on the arguments presented above, withdrawal of the 35 U.S.C. § 102(e) rejection of claims 1, 2, 21, 22, and 42 is respectfully requested.

Claims 1, 21 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2002/0126739 to Tiedemann, Jr. et al (hereinafter "Tiedemann").

Regarding claim 1, Tiedemann fails to disclose *receiving a measurement of amplitude variance of the wireless signal* and *determining a rapid change in the wireless signal by comparing the measurement to a predetermined threshold* and *selecting a parameter adjustment from a plurality of parameters related to the received wireless signal, based on the determined rapid change* and *performing the parameter adjustment* as claimed. Therefore, Tiedemann fails to disclose all of the elements of claim 1.

Tiedemann discloses a method and apparatus for forward link power control. Tiedemann discloses that "[d]emodulator 52 can also estimate the velocity of remote station 6 by estimating the reverse link frequency error using demodulation techniques" and that "demodulator 52 can provide velocity and multipath estimates to controller 40 which then uses these information to determine the gain increase and decrease and the step sizes" (paragraph [0094] (emphasis added). Tiedemann is silent with respect to a measurement of amplitude variance. Furthermore, Tiedemann is silent with respect to determining a rapid change based on comparison of amplitude variance to a predetermined threshold. Finally, Tiedemann is silent with respect to a parameter adjustment based on the

determined rapid change based on comparison of amplitude variance to a predetermined threshold.

Accordingly, the Applicant submits that claim 1 as amended is allowable over the cited reference for at least these reasons. Claims 21 and 42 as amended include substantially similar elements as claim 1. Accordingly, the Applicant submits that claims 21 and 42 are allowable over the cited references for at least the same reasons provided above.

Based on the arguments presented above, withdrawal of the 35 U.S.C. § 102(e) rejection of claims 1, 21, and 42 is respectfully requested.

Claim Rejections - 35 USC § 103

Claims 1, 2, 14, 19, 21, 22, 34, 39 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,256,500 to Yamashita (hereinafter "Yamashita") in view of U.S. Patent No. 6,618,596 to Uchida (hereinafter "Uchida").

Regarding claim 1, the cited references Yamashita and Uchida neither alone nor in combination teach or suggest *receiving a measurement of amplitude variance of the wireless signal* and *determining a rapid change in the wireless signal by comparing the measurement to a predetermined threshold* and *selecting a parameter adjustment from a plurality of parameters related to the received wireless signal,*

based on the determined rapid change and *performing the parameter adjustment* as claimed.

Yamashita discloses a mobile radio communication system with macro and micro cell handoff based on mobile determined crossing rates and fading rates. Yamashita states that "[e]ach mobile station receives the control channel from the relevant radio base station, detects the fading state thereof, and determines that the mobile station is moving at high speed when the fading rate is high" (col. 4, lns 24-27).

Uchida discloses a communication system, apparatus, method, and recording medium for mobile communication. Uchida discloses that "[t]he comparing section 17 compares the desired data transfer rate input by the user and supplied from the data transfer rate input section 16 with the maximum data transfer rate corresponding to the current moving speed of the mobile terminal 3, selects a lower one of the desired data transfer rate and maximum data transfer rate" (col. 5, lns 3-8).

Yamashita and Uchida are silent with respect to determining a rapid change based on comparison of amplitude variance to a predetermined threshold. Furthermore, Yamashita and Uchida are silent with respect to a parameter adjustment based on the determined rapid change based on comparison of amplitude variance to a predetermined threshold.

Accordingly, the Applicant submits that claim 1 as amended is allowable over the cited reference for at least these reasons. Claims 21 and 42 as amended include substantially similar elements as claim 1. Accordingly, the Applicant submits that claims 21 and 42 are allowable over the cited references for at least the same reasons provided above.

Claims 2 and 19 are either directly or indirectly dependent upon claim 1, and therefore the Applicant believes these claims are allowable over the cited reference for at least the same reasons above. Claim 14 has been canceled so the 35 U.S.C. § 103(a) rejection is now moot.

Claims 22 and 39 are either directly or indirectly dependent upon claim 21, and therefore the Applicant believes these claims are allowable over the cited reference for at least the same reasons above. Claim 34 has been canceled so the 35 U.S.C. § 103(a) rejection is now moot.

Based on the arguments presented above, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1, 2, 19, 21, 22, 39 and 42 is respectfully requested.

Claims 5-7 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita in view of Uchida and further in view of U.S. Publication No. 2001/0041584 to Watanabe (hereinafter "Watanabe").

Watanabe discloses that "AGC amplifier 37A is provided for amplifying the received IF signal passing through this BPF 36A to a desired signal level, in which

its gain may automatically be controlled to optimum so that, as in the foregoing AGC amplifier 23, its received power may become as minimal possible as necessary depending on the distance from the base station" (paragraph [0066]). Watanabe, however, fails to overcome the deficiencies of Yamashita and Uchida detailed above. Furthermore, Watanabe is silent with respect to variance.

Claims 5 and 6 are either directly or indirectly dependent upon claim 1, and accordingly the Applicant believes these claims are allowable over the cited reference for at least the same reasons above. Claim 7 has been canceled so the 35 U.S.C. § 103(a) rejection is now moot.

Claims 25 and 26 are either directly or indirectly dependent upon claim 21, and accordingly the Applicant believes these claims are allowable over the cited reference for at least the same reasons above. Claim 27 has been canceled so the 35 U.S.C. § 103(a) rejection is now moot.

Based on the arguments presented above, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 5, 6, 25, and 26 is respectfully requested.

Claims 8-10 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura in view of U.S. Publication No. 2004/0258140 to Ramberg et al (hereinafter "Ramberg").

Ramberg discloses that a "receiver 52 uses the correlation outputs of the early and late correlators associated with the on-phase correlator aligning to the

incoming signal during each symbol period to calculate a code phase error" (paragraph [0056]). Ramberg, however, fails to overcome the deficiencies of Nakamura detailed above.

Claims 8 and 9 are either directly or indirectly dependent upon claim 1, and accordingly the Applicant believes these claims are allowable over the cited reference for at least the same reasons above. Claim 10 has been canceled so the 35 U.S.C. § 103(a) rejection is now moot.

Claims 28 and 29 are either directly or indirectly dependent upon claim 21, and accordingly the Applicant believes these claims are allowable over the cited reference for at least the same reasons above. Claim 30 has been canceled so the 35 U.S.C. § 103(a) rejection is now moot.

Based on the arguments presented above, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 8, 9, 28, and 29 is respectfully requested.

Claims 11-13 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann in view of U.S. Patent No. 6,577,695 to Everitt et al. (hereinafter "Everitt").

Everitt discloses a "phase-locked loop circuit for providing a tightly controlled capture range for locking an output signal to a data signal, while also providing a wide frequency capture range for initially pulling the output signal within this narrow, predetermined frequency range" (Abstract). Everitt further discloses "a

frequency variance between the combination of the two reference signals and the PLL output signal defines a frequency variance range" (claim 5). Everitt, however, fails to overcome the deficiencies of Tiedemann detailed above.

Claims 11 and 12 are either directly or indirectly dependent upon claim 1, and accordingly the Applicant believes these claims are allowable over the cited reference for at least the same reasons above. Claim 13 has been canceled so the 35 U.S.C. § 103(a) rejection is now moot.

Claims 31 and 32 are either directly or indirectly dependent upon claim 21, and accordingly the Applicant believes these claims are allowable over the cited reference for at least the same reasons above. Claim 33 has been canceled so the 35 U.S.C. § 103(a) rejection is now moot.

Based on the arguments presented above, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 11, 12, 31, and 32 is respectfully requested.

Claims 16, 17, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann in view of U.S. Patent No. 6,697,642 to Thomas (hereinafter "Thomas").

Thomas discloses an antenna controller in which "initialisation of the antenna into an omni-directional mode may also occur in response to a sudden or catastrophic degradation in signal quality whilst the antenna is operating in a

narrow beam mode" (col. 10, lns 21-25). Thomas, however, fails to overcome the deficiencies of Tiedemann detailed above.

Claims 16-17 are either directly or indirectly dependent upon claim 1, and accordingly the Applicant believes these claims are allowable over the cited reference for at least the same reasons above.

Claims 35-36 are either directly or indirectly dependent upon claim 21, and accordingly the Applicant believes these claims are allowable over the cited reference for at least the same reasons above.

Based on the arguments presented above, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 16, 17, 35 and 36 is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicant respectfully submits that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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